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PROTECTION OF MINORITIES

Written statement by Human Rights Watch, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[14 July 1995]

1. Two years after the annulment of the 12 June 1993 presidential election, which was widely viewed to have been won by Chief Moshood Abiola, the Nigerian political climate is volatile and human rights violations are pervasive. The current Government of General Sani Abacha, who seized power in November 1993, has arrested numerous human rights and pro-democracy activists, imposed constraints on press freedom and progressively circumscribed the powers of the judiciary. Human rights abuses against minorities in the Niger Delta in south-eastern Nigeria have been particularly severe.

2. Communities in the Niger Delta, the source of over 90 per cent of Nigeria's oil, contend that multinational oil companies, in concert with the Government, have ravaged their land and contaminated their rivers. The Movement for the Survival of Ogoni People (MOSOP), led by Ken Saro-Wiwa, has been at the forefront of the confrontation between the indigenous communities of the Niger Delta, the oil companies, and the Government, which has sent in troops to crush local protest movements. Established in 1990, MOSOP has led protests in the region, while seeking dialogue with Nigerian Government officials, as well as Shell and Chevron, the two multinational oil companies that operated in Ogoniland until 1993.

3. The Government has publicly claimed that outbreaks of violence in Ogoniland prior to May 1994 were the result of ethnic clashes between the Ogoni and neighbouring ethnic groups, including the Andoni, the Okrika and the Ndoki. However, a recent investigation by Human Rights Watch/Africa revealed that the Government played an active role in fomenting such ethnic antagonism, and that some attacks attributed to rural minority communities were in fact carried out by army troops in plainclothes masquerading as members of these communities. · Two Nigerian soldiers, interviewed by Human Rights Watch/Africa in different cities in the north and south of the country, said they participated in 1993 military operations that took advantage of tensions between the Ogoni and the Andoni to launch attacks on Ogoniland from Andoni territory. Residents of the Ogoni village of Kaa told Human Rights Watch/Africa that they had seen soldiers attacking their village in August 1993 along with Andoni fighters.

4. Since the 21 May 1994 murders, by a mob, of four Ogoni leaders who had been branded as pro-government, the Government has been engaged in a systematic crackdown in Ogoniland. In the wake of the murders, which occurred under disputed circumstances, the Rivers State Internal Security Task Force embarked on a series of punitive raids on Ogoni villages. These raids were characterized by flagrant human rights abuses, including extrajudicial executions, indiscriminate shootings, arbitrary arrests, floggings, rapes and looting. Although major troop movements in the region appear to have tapered off by late August 1994, the security forces reportedly continue to arbitrarily arrest, detain and beat Ogoni civilians.

5. Following the May 1994 murders, Ken Saro-Wiwa and Ogoni activitists Ledum Mitee, Barinem Kiobel, John Kpuinen and Baribor Bera were detained. They are currently on trial before a three-member special tribunal appointed by the Government. The tribunal, which has the authority to impose the death penalty, lacks independence and impartiality because it was set up by the executive expressly to hear this case. The presence on the tribunal of Lieutenant-Colonel Hammid Ibrahim Ali, an active member of the armed forces under the command of General Abacha, renders the tribunal's independence particularly questionable. Moreover, the tribunal's judgement is not subject to review by a higher court, but only to confirmation by the Provisional Ruling Council, which is chaired by General Abacha. The prosecution charged the accused with four counts of murder at the first session of the tribunal on 6 February 1995. The eight-month delay in filing charges against the accused, in conjunction with the procedural irregularities that characterize the trial, strongly suggest that the charges are politically motivated.

6. On 28 March 1995, the special tribunal assumed jurisdiction over the cases of 10 additional defendants, who were formally charged on 7 April 1995, and authorized the holding of simultaneous trials. Since then, members of the tribunal have periodically confused the evidence presented in the two trials. Faced with increasing evidence of the tribunal's bias against the defendants, the defence team withdrew from the case of Saro-Wiwa and the four other original defendants in late June 1995, although they reportedly continue to represent the other 10 defendants.

7. Security forces have also launched attacks to quell protests by communities in oil-producing areas outside Ogoniland, who have similar

grievances. Human Rights Watch/Africa investigated and documented recent attacks by the security forces on four of these communities: Obagi, Brass, Nembe Creek and Rumobiokani. In each case, the local residents initially tried to express their grievances through peaceful channels, although their protests culminated in violence on some occasions. The authorities invariably responded with disproportionate force. In the aftermath of military raids, community leaders were detained without charge or forced to face trial by ad hoc courts.

8. In view of the above violations, Human Rights Watch/Africa calls upon the Subcommission on Prevention of Discrimination and Protection of Minorities to:

(a) Investigate human rights abuses by the Government of Nigeria, including recourse to excessive force in the oil-producing areas, arbitrary arrest and detention, and interference with the independence of the judiciary;

(b) Submit a report of its findings to the Commission on Human Rights;

(c) Adopt a resolution condemning human rights abuses in Nigeria.